

DNREC fines Delaware City Refining Company/PBF Energy for violation of Secretary's Order and illegal shipment of petroleum

DOVER – DNREC Secretary David Small today issued a \$150,000 fine in a Notice of Penalty Assessment and Secretary's Order to the Delaware City Refining Company and PBF Energy for violating an earlier DNREC Order that allowed the refinery to ship crude oil from Delaware City to only its Paulsboro, N.J. facility as a condition of DNREC's granting an air permit to PBF Energy and DCRC in 2013.

DNREC's investigation found that PBF Energy violated the [Order](#) throughout 2014, when it made 17 barge shipments of crude oil over 15 days to locations other than PBF Energy's Paulsboro refinery. DNREC determined that the Delaware City refinery had violated the order by failing to make timely and full disclosure to DNREC about the nature and extent of those shipments, and had misrepresented the number of shipments that went to other facilities.

The penalty assessment and Secretary's Order conclude that Delaware City Refining Company/PBF Energy violated the [2013 Secretary's Order](#), by shipping crude oil from the Delaware City terminal to three locations other than PBF Energy's Paulsboro, N.J. refinery, on 15 days in 2014, making a total of 17 separate barge shipments containing approximately 35.7 million gallons of crude oil in total. Contrary to terms of the [2013 Order](#), DCRC did not disclose these shipments to DNREC, and did not seek a status determination regarding the change in operations or a modification of the terms of the

Order.

The excerpt below from the 2013 Order reiterates the representations made by DCRC, and that DCRC, upon occurrence of any change in circumstances or operations with respect to the crude oil terminal, was required by DNREC to provide notice and take additional action:

“Applicant stated on the record that the proposed use would be consistent with the past use and that the activity would be limited to the transfer of North American-produced crude oil from the Facility’s docks onto barges to be transported up the Delaware River to Applicant’s sister company refinery in Paulsboro, New Jersey, also owned by PBF Energy.”

The order further states: “This determination may be subject to change should the Department determine that the proposed usage has changed or that the information in this record is incorrect or incomplete. ...Applicant should request a Coastal Zone Status Decision if future physical or operational changes are intended or implemented.”

The Delaware City Refining Company and PBF Energy have 30 days to appeal the penalty and Secretary’s Order, which can be found on the DNREC website at http://www.dnrec.delaware.gov/Info/Pages/SecOrders_Enforcement.aspx.

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